

VZCZCXYZ0006  
PP RUEHWEB

DE RUEHGV #0455/01 1681434  
ZNY CCCCC ZZH  
P 161434Z JUN 08  
FM USMISSION GENEVA  
TO RUEHC/SECSTATE WASHDC PRIORITY 6602  
INFO RUEHKI/AMEMBASSY KINSHASA 0650  
RUEHFR/AMEMBASSY PARIS 3309  
RUEHBS/USEU BRUSSELS  
RUCNDT/USMISSION USUN NEW YORK 2758

C O N F I D E N T I A L GENEVA 000455

SIPDIS

E.O. 12958: DECL: 06/03/2018

TAGS: [PHUM](#) [UNHRC](#)

SUBJECT: ADDRESSING THE DEMOCRATIC REPUBLIC OF CONGO'S  
SITUATION IN GENEVA-BASED HUMAN RIGHTS BODIES

REF: A. GENEVA 360 (NOTAL)

[1](#)B. GENEVA 256 (NOTAL)

[1](#)C. GENEVA 30 (NOTAL)

Classified By: Deputy Chief of Mission Mark Storella. Reasons: 1.4 (b/d).

[1](#)1. (C) SUMMARY: Following the elimination in March of the mandate of the Independent Expert on the Democratic Republic of Congo, Geneva-based human rights bodies are seeking new ways to address the situation in that country. There is little prospect for significant action in the Human Rights Council (HRC) for the foreseeable future, but some governments are looking ahead to the DRC's Universal Periodic Review session in 2009 as potentially significant. A proposal previously floated at the Council to establish a Special Advisor for Eastern DRC may be implemented. Staff of the Office of the High Commissioner for Human Rights (OHCHR) are enthusiastic about plans to conduct a mapping exercise of human rights violations committed in the DRC in 1993-2003, and efforts also continue for a project on vetting in the DRC military. Beyond that, OHCHR hopes to ensure a long-term presence on the ground. Geneva-based human rights bodies are aware of the limits of what they can achieve but also of the possibilities, primarily through OHCHR but and the UPR mechanism. END SUMMARY.

LOSS OF INDEPENDENT EXPERT  
-----

[1](#)2. (C) The elimination, at the HRC's Seventh Regular Session in March, of the mandate of the Independent Expert on the DRC (ref b), was a disappointing blow to those seeking to use Geneva-based human rights mechanisms to foster progress in the DRC. Although the Council eliminated the mandate mainly due to hostility, primarily among African states, toward country-specific rapporteurs, the ineffectiveness of the Independent Expert, Titinga Frederic Pacere, had also been a factor (ref a). The general hostility toward country-specific rapporteurs is likely to persist, but ensuring that mandates are well-funded and implemented vigorously could help avert at least some problems, several delegations here have stressed.

[1](#)3. (C) By most accounts, there is little prospect that the Council can contribute significantly to addressing the DRC's human rights situation in the short term. Over the longer term, a number of our interlocutors point to the Council's Universal Periodic Review mechanism as a potentially helpful instrument to pressure the DRC into improving its human rights behavior. The DRC is slated for review in late 2009. The UPR session itself could provide a useful forum to reiterate concerns about the DRC's behavior. Beyond that, the DRC government, in preparing for its review, may take steps to improve its record and/or decide to make new commitments to treaty bodies. Additionally, many of the

states that already have been reviewed have engaged in extensive interaction with civil society as part of the preparatory process, an approach that the DRC might also pursue. A Canadian participant in the roundtable urged that governments work with the DRC to encourage a constructive approach toward its UPR review, and most notably, to ensure that the DRC reach out to NGOs during the preparatory stage.

¶4. (C) While the fate of the mandate was being debated in March, Human Rights Watch was floating the idea of establishing a Special Advisor on Human Rights for Eastern DRC. While the Council did not formally consider the proposal either in that session or in the current one, HRW is encouraged that establishing such a mandate has become possible, and points to the Council as a breeding ground for such ideas. OHCHR's expert on the DRC, Paul d'Auchamp, said his office supported the idea, but he expressed concerns that both the DRC government and those of neighboring countries would balk at it.

#### MAPPING, VETTING AND A FUTURE OHCHR PRESENCE

-----

¶5. (SBU) D'Auchamp expressed enthusiasm for a mapping exercise, to be spearheaded by the OHCHR, to catalogue human rights violations in the DRC in the 1993-2003 timeframe, as well as to offer Kinshasa suggestions for how to deal with the consequences of those violations for the period ahead. The exercise is to be led by Luc Cote, a Canadian who conducted a similar exercise involving East Timor. Cote is to begin work on the project, which involves a team of 18 international staffers and a similar number of Congolese staff, following an upcoming visit to Geneva. D'Auchamp told

us that he was encouraged at the relatively quick start-up to the project, which High Commissioner Arbour had initially proposed to the DRC government a year ago. The fact that the mapping exercise enjoys government support -- in contrast to that government's decision ahead of the March Council session to oppose the Independent Expert mandate -- is a promising sign.

¶6. (SBU) Acknowledging that there may be other mapping projects in the DRC, d'Auchamp stressed that none of them is focused on human rights violations. He reported that a number of countries, including the Netherlands, Germany, Canada, Switzerland, and South Korea are providing funding for it, as has the MacArthur Foundation. He noted that while the project had enough funds to get underway, more funding may be needed to complete it, and raised the possibility of USG financial support.

¶7. (SBU) OHCHR also is involved in a vetting project, to ensure that key posts in the DRC military are not filled by human rights violators. OHCHR has played a role in advocating for this effort, and would be prepared to provide technical support for its implementation, d'Auchamp reported. The armed forces Chief of Staff has indicated his openness to the project, which now awaits parliamentary action.

¶8. (SBU) Last year, at the initiative of the High Commissioner, the OHCHR office in the DRC was integrated into MONUC, d'Auchamp reported. An agreement remains on the books for OHCHR to reestablish its stand-alone presence there, should MONUC be eliminated. Should that happen, the DRC government would likely welcome reestablishing that presence, d'Auchamp believed, particularly given that OHCHR's focus would likely be on technical cooperation rather than more politically sensitive activity.

#### COMMENT

-----

¶9. (C) As with other human rights situations in Africa (such as Zimbabwe, as discussed ref a), there is a sense of frustration among Geneva human rights bodies with their limited ability to influence the situation in the DRC. Nonetheless, there is hope that UPR will offer a venue to

pressure the DRC to improve its behavior, and will encourage the DRC government to engaged more widely with NGOs. At the same time, OHCHR is plugging away and remains hopeful that its projects, and its presence on the ground, can have a real impact.

TICHENOR